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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,083	05/02/2007	Stewart A. Burton	303-102(US)	8388

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EXAMINER

PICO, ERIC E

ART UNIT	PAPER NUMBER
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3654

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,083	Applicant(s) BURTON ET AL.	
	Examiner ERIC PICO	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the each of said second wheels comprises: (a) a vertical circular wheel disposed on a horizontal shaft disposed between a generally horizontal upper portion and a generally horizontal lower portion of an extension of said chassis; (b) said horizontal shaft disposed operatively connected to a horizontal plate disposed above said horizontal shaft; and (c) said horizontal plate being disposed at approximately said upper portion and engaging generally horizontal ball bearings disposed beneath a plate fixedly connected to said upper portion claimed in claim 17 and each of said second wheels comprises at least two configurations manually selectable by rotation of said second wheels claimed in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. **Claim 1** is objected to because of the following informalities: the phrase "said column is a part is in an operating position" contains improper grammar. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim(s) 1, 4-6, and 21** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Kim U.S. Publication No. 2001/0038786.

5. **Regarding claim 1**, Kim discloses an apparatus, comprising:

6. a column 10 normally generally vertical when a device of which said column 10 is a part is in an operating position; and
7. a platform 20 operatively connected at one end to said column 10 and normally generally horizontal when said device is in an operating position, said platform 20 being selectively raised or lowered to raise or lower a load placed on said platform 20.
8. **Regarding claim 4**, Kim discloses wherein: a proximal end of said platform 20 engages a lead screw 31 disposed within said column 10.
9. **Regarding claim 5**, Kim discloses wherein: said lead screw 31 is rotated by an electric motor 33, said electric motor 33 receiving power from a source internal to said device.
10. **Regarding claim 6**, Kim discloses wherein: a chassis, comprised of crosspiece 10b and stabilizing bars 12, attached to a lower end of said column underlies said platform and rests on a surface upon which said device is disposed.
11. **Regarding claim 21**, Kim discloses herein: said platform is configured to hold thereon a toolbox, a chest of drawers, a seat of a vehicle, a circular container, or an object in a vise disposed at an edge of said platform.
12. **Claim(s) 1, 6, and 7** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Neal et al. U.S. Publication No. 2002/0109319.
13. **Regarding claim 1**, Neal et al. discloses an apparatus, comprising:
14. a column 902 normally generally vertical when a device of which said column 902 is a part is in an operating position; and

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15. a platform 904 operatively connected at one end to said column 902 and normally generally horizontal when said device is in an operating position, said platform 904 being selectively raised or lowered to raise or lower a load placed on said platform 904.

16. **Regarding claim 6**, Neal et al. discloses wherein: a chassis, shown in Figure 43, attached to a lower end of said column 902 underlies said platform 904 and rests on a surface upon which said device is disposed.

17. **Regarding claim 7**, Neal et al. discloses wherein: said device has first wheels 944 disposed at a lower end of said column 902 and pads and/or second wheels disposed at a distal end of said chassis, shown in Figure 43.

18. **Claim(s) 1, 13, and 14** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Rhodes U.S. Patent No. 3907138.

19. **Regarding claim 1**, Rhodes discloses an apparatus, comprising:

20. a column 10 normally generally vertical when a device of which said column 10 is a part is in an operating position; and

21. a platform 35 operatively connected at one end to said column 10 and normally generally horizontal when said device is in an operating position, said platform 35 being selectively raised or lowered to raise or lower a load placed on said platform 35.

22. **Regarding claim 13**, Rhodes discloses arms, referred to as strap bar 92, extending generally horizontally from said column 10 to stabilize said load.

23. **Regarding claim 14**, Rhodes discloses at least one strap 96 extending from at least one of said arms 92 to stabilize said load.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. **Claim(s) 2, 3, and 8** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim U.S. Publication No. 2001/0038786 in view of Tsai U.S. Patent No. 6425599.

26. **Regarding claim 2**, Kim is silent concerning wherein: said device can be folded with said column and said platform generally parallel, so that said device can be transported or stored.

27. Tsai teaches a device can be folded with a column 21 and a platform 50 generally parallel, so that said device can be transported or stored.

28. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the device disclosed by Kim to be folded with said column and said platform generally parallel as taught by Tsai to facilitate the transportation and storage of the device.

29. **Regarding claim 3**, Kim discloses wherein: said device includes a brake mechanism that can be activated, Paragraph [0034].

30. Kim is silent concerning said device is folded.

31. Tsai teaches a device can be folded.

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32. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the device disclosed by Kim to be folded with said column and said platform generally parallel as taught by Tsai to facilitate the transportation and storage of the device.

33. **Regarding claim 8**, Kim discloses a handle 13 attached to said column 10 to aid in carrying said device.

34. Kim is silent concerning said device is in its folded position.

35. Tsai teaches a handle 23 attached to said column 21 to aid in carrying said device when said device is in its folded position.

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the device disclosed by Kim to be folded with said column and said platform generally parallel as taught by Tsai to facilitate the transportation and storage of the device.

37. **Claim(s) 9 and 10** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim U.S. Publication No. 2001/0038786 in view of Rountree U.S. Patent No. 6561745.

38. **Regarding claim 9**, Kim is silent concerning tie down straps connected to sides of said platform to secure said load.

39. Rountree teaches tie down straps 31, 32 connected to sides of a platform to secure a load.

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40. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect tie down straps as taught by Rountree to the platform disclosed by Kim to fasten the load onto the platform.

41. **Regarding claim 10**, Kim is silent concerning wherein: said tie down straps can be selectively positioned along said side of said platform.

42. Rountree teaches wherein: said tie down straps 31, 32 can be selectively positioned along a side of said platform.

43. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect tie down straps as taught by Rountree to the platform disclosed by Kim to fasten the load onto the platform.

44. **Claim(s) 11** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim U.S. Publication No. 2001/0038786 in view of Hsieh et al. U.S. Patent No. 5951037.

45. **Regarding claim 11**, Kim is silent concerning wherein: said platform can be selectively manually lengthened or shortened.

46. Hsieh et al. teaches wherein: a platform 50 can be selectively manually lengthened or shortened.

47. It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the platform disclosed by Kim to be selectively manually lengthened or shortened as taught by Hsieh et al. to adjust the platform for various loads.

48. **Claim(s) 12** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim U.S. Publication No. 2001/0038786 in view of Hanson U.S. Patent No. 2778515.

49. **Regarding claim 12**, Kim is silent concerning an upper ball foot disposed at an upper end of said column that engages a surface on which said device is placed when said column is horizontal.

50. Hanson teaches an upper ball foot disposed at an upper end of said column that engages a surface on which said device is placed when said column is horizontal, shown in Figure 5.

51. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose an upper ball foot as taught by Hanson at an upper end of said column disclosed by Kim to support the device when placed horizontal.

52. **Claim(s) 15** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim U.S. Publication No. 2001/0038786 in view of Lemme et al. U.S. Patent No. 4579504.

53. **Regarding claim 15**, Kim is silent concerning a crane structure extending from said column.

54. Lemme et al. teaches a crane structure 20 extending from a column 14.

55. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend a crane structure as taught by Lemme et al. from the column disclosed by Kim to facilitate the lifting of the load onto the platform.

56. **Claim(s) 16** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al. U.S. Publication No. 2002/0109319 in view of Kim U.S. Publication No. 2001/0038786.

57. **Regarding claim 16**, Neal et al. is silent concerning wherein: at least one of said first wheels is driven by a motor.

58. Kim teaches wherein: at least one of said first wheels is driven by a motor.

59. It would have been obvious to one of ordinary skill in the art at the time of the invention to drive wheels disclosed by Neal et al. by a motor as taught by Kim to facilitate the movement of the device.

60. **Claim(s) 17 and 18** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al. U.S. Publication No. 2002/0109319 in view of Johansson U.S. Patent No. 5951234.

61. **Regarding claim 17 and 18**, Neal et al. is silent concerning wherein each of said second wheels comprises: a vertical circular wheel disposed on a horizontal shaft disposed between a generally horizontal upper portion and a generally horizontal lower portion of an extension of said chassis; said horizontal shaft disposed operatively connected to a horizontal plate disposed above said horizontal shaft; and said horizontal plate being disposed at approximately said upper portion and engaging generally horizontal ball bearings disposed beneath a plate fixedly connected to said upper portion; and wherein: each of said second wheels comprises at least two configurations manually selectable by rotation of said second wheels.

62. Johansson teaches wheels comprises:

63. a vertical circular wheel 4 disposed on a horizontal shaft disposed between a generally horizontal upper portion and a generally horizontal lower portion of an extension of said chassis 2;

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64. said horizontal shaft disposed operatively connected to a horizontal plate 14 disposed above said horizontal shaft; and

65. said horizontal plate 14 being disposed at approximately said upper portion and engaging generally horizontal ball bearings disposed beneath a plate fixedly connected to said upper portion; and

66. wherein: each of said second wheels 4 comprises at least two configurations manually selectable by rotation of said second wheels 4.

67. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the second wheels disclosed by Neal et al. with two configurations as taught by Johansson to raise the carriage.

68. **Claim(s) 19 and 20** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al. U.S. Publication No. 2002/0109319 in view of Johnson et al. U.S. Patent No. 3445958.

69. **Regarding claim 19**, Neal et al. is silent concerning wherein: each of said first wheels has as relatively soft circular removable covering placed thereabout to assist said first wheels in maneuvering across soft terrain.

70. Johnson et al. teaches wheels has as relatively soft circular removable covering 10 placed thereabout to assist said wheels in maneuvering across soft terrain.

71. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the wheels disclosed by Neal et al. with a relatively soft circular removable covering to facilitate the movement of the vehicle over certain terrain.

72. **Regarding claim 20**, Neal et al. is silent concerning wherein: said relatively soft circular removable covering is filled with a foam material.

73. Johnson et al. teaches wherein: said relatively soft circular removable covering is filled with a foam material.

74. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the wheels disclosed by Neal et al. with a relatively soft circular removable covering to facilitate the movement of the vehicle over certain terrain.

Conclusion

75. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kiryu U.S. Patent No. 3907322, Dunkle U.S. Patent No. 5549317, Fisher U.S. Patent No. 5575605, Audet U.S. Patent No. 5938396, Krawczyk U.S. Patent No. 6131927, Prapavat U.S. Patent No. 6273438, Lee U.S. Patent No. 6540241, Middleby U.S. Patent No. 6921095, Amsili U.S. Patent No. 6971654, Burks U.S. Patent No. 6983856, Burger et al. U.S. Publication No. 2003/0197351.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654